

# ELAP's Expert Review Panel Year 2 Final Report

State Water Resources Control Board

Public Workshop

May 3, 2017

# Agenda

1. **Dr. Stephen Weisberg**, Southern California Coastal Water Research Project, Expert Review Panel Facilitator
2. **Lara Phelps**, United States Environmental Protection Agency, Expert Review Panel Chairperson
3. **Christine Sotelo**, Environmental Laboratory Accreditation Program, Chief
4. **David Kimbrough**, Coalition of Accredited Laboratories, Spokesperson
5. **Debbie Webster and Stephen Clark**, Central Valley Clean Water Association, Spokespersons
6. **Bruce Godfrey**, American Council of Independent Laboratories, Spokesperson
7. **Darrin Polhemus**, Division of Drinking Water, Deputy Director

# ELAP's Proposed Responses to Expert Review Panel Recommendations

Christine Sotelo, Chief  
Environmental Laboratory Accreditation Program



Environmental Laboratory Accreditation Program  
STATE WATER RESOURCES CONTROL BOARD

# We Accept the Panel's Assessment

- We've made significant progress, but we are still not fully achieving our mission
- Three main recommendations
  - Modernize program management processes
  - Accept third party assessments to reduce our backlog
  - Immediately adopt and develop an implementation approach that will help laboratories with adoption of the TNI Standard



# On-Site Assessment Backlog

Drinking Water Laboratories	Non-Drinking Water Laboratories
<b>313 are current</b>	<b>147 are current</b>
<b>41 are not current</b>	<b>144 are not current</b>
9 are over 5 years	21 are over 5 years
14 are over 4 years	35 are over 4 years
18 are over 3 years	88 are over 3 years

# Modernize

- We need to bring ELAP into the 21<sup>st</sup> century
  - Online application
  - Application tracking tool
  - Functional GIS map
  - Updated accounting process
- We're actively working with the Division of information Technology (DIT) to develop business requirements (currently documenting as-is processes)

# Proficiency Testing Software

- We've researched industry solutions
  - There are several available out-of-box solutions
  - Different pricing models
    - Some require up front investment
    - Others require annual fee
- We're working with DIT to explore in-house solutions as well
- We are optimistic that we can meet our needs through working with DIT



# Panel Recommendations

- Modernize program management processes
- ***Accept third party assessments to reduce our backlog***
- Immediately adopt and develop an implementation approach to help the laboratories with adoption of the TNI Standard



# Third Party Principles

- Make third party assessments ***optional*** for the laboratories, to the extent possible
- Make it ***relatively cost neutral***
- This is a ***trial period*** we want to learn from
  - We will use third party assessments to clear our backlog
  - We won't commit to this long-term until we evaluate whether it is working for both us and the laboratories

# Third Party Approach

- Laboratories can hire a third party assessor if they choose
  - But only from a list of approved firms
- The firms ***do not*** make the accreditation decision
  - They would submit information to ELAP, and we will make the decision
- We will continue proficiency testing evaluations
  - As well as follow-up and enforcement assessments



# Optional...

- We anticipate that laboratories who already use third-parties for other accreditation bodies will select this option
- Some laboratories will elect to go third party to avoid our large assessment backlog
- Other laboratories will prefer third party because we have a lesser level of knowledge for some Field of Testings
  - Many laboratories view the assessment process as a valuable self-improvement opportunity



# ...To the extent possible

- We don't have adequate skills to effectively provide assessments for laboratories with these analyses
  - Complex Inorganic Chemistry/Radiochemistry
  - Pesticide Residue
  - Asbestos
- ELAP has the capability to perform the remainder of the assessments

# Cost Neutrality

- Laboratories who use third party assessors should pay us a lesser fee
  - Since they'll be paying for their assessment services elsewhere
- We'd like to make third party use as cost neutral as possible



# Panel Recommendations

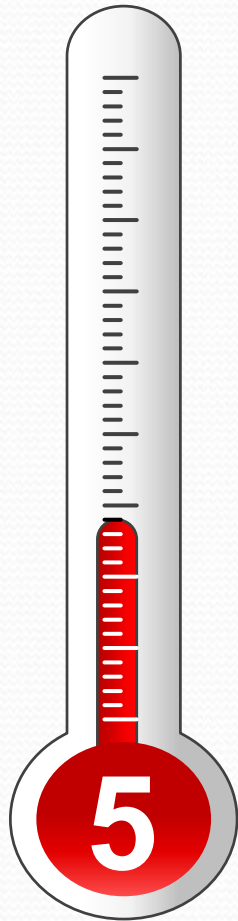
- Modernize program management processes
- Accept third party assessments to reduce our backlog
- ***Immediately adopt and develop an implementation approach to help the laboratories with adoption of the TNI Standard***



# Timeline to Adoption

- The Panel emphasized swift adoption
  - The standard flows to all aspects of the program, including our training contract
- ELAP is ready to immediately draft regulation text
- Draft Regulations Staff Workshops - Summer 2017
  - “Comments” inbox for direct stakeholder input for those unable to attend workshops
  - Regulations tab on ELAP homepage
- Anticipate a Board regulations adoption meeting Spring 2018

# Regulations Readiness Level



12. Regulations Become Effective
11. Submit to OAL for Final Review
10. Submit for Water Board Consideration
9. Notice of Publication
8. Obtain Approval of Regulation Package for Submittal to OAL
7. Prepare Draft Regulation Package
6. Hold Stakeholder Regulations Workshops
- 5. Develop Draft Regulation Text**
- 4. Select Accreditation Standard**
- 3. Evaluate Recommendations from Advisory Committees**
- 2. Assess Feasibility Through Stakeholder Outreach**
- 1. Research Accreditation Standard Options**



# Three-Strategy Implementation Assistance

1. ***Time*** until laboratories are held to new standard
2. ***Tools*** to lessen the burden of the documentation requirements
3. ***Trainings*** to educate laboratory staff



# Timing

- We're considering three phases:
  - Training (2017-2019)
  - Implementation (2020-2021)
  - Compliance (2022 and beyond)
- The three phases span 6 years in total
  - Each laboratory will have 2 “practice” TNI assessments before compliance is required
  - Incomplete elements of the standard will be listed as “recommendations” during the training phase
- This gives laboratories considerable implementation time before they are held to the new standard



# Tools

- On behalf of our laboratories, we've negotiated with TNI
- California laboratories will receive a free 6 month membership
- This gives California laboratories access to:
  - The Standard document
  - Small laboratory handbook
  - Templates: QAM, Method SOP, Administrative SOP
  - Online trainings: live webinars and webcast
  - Technical Committees
  - Mentor Sessions at the biannual conferences



# Training

- ELAP will have a series of free training workshops
  - To educate laboratories about the standard
  - How to implement some of the specific elements
- Training Assessments
  - Each laboratory will have 2 assessments before being held to the new requirements on the third
  - “Recommendations” will provide a road map to implementing the standard



# Small Laboratory Training

- One of the largest concerns expressed at our listening sessions is cost of implementation for small laboratories
  - It is a valid concern
- We will offer customized training for small laboratories
  - Focused on 1-2 person laboratories that run a small number of the simplest tests
- This will be a hands-on training class
  - We'll provide draft templates that we will help them refine during the workshop

# Some Points of Contention

- We have been interacting extensively with the laboratory community
  - ELTAC
  - Comment periods during the Panel meetings
  - Post-Panel listening sessions
- Two areas have come up as their biggest concerns
  - How to implement the 58 proposed revisions to TNI
  - Fees



# 58 Proposed Revisions

- We worked with the community to identify their largest concerns with TNI
  - We identified 58 potential modifications to the standard
- The Panel identified these were mostly clarifications of the standard, not modifications
  - They suggested making only two modifications and addressing the rest through implementation guidance
  - They didn't want us to become isolated from the TNI training materials
- The laboratory community is concerned guidance doesn't have the force of regulation



# Our Position

- The Panel is correct that we don't want the State of California to become isolated
- Accept 2 TNI Standard Modifications
  - 1 Proficiency Testing per year
  - California specific education and experience criteria
- We would like to evaluate if additional modifications are necessary during the trial period and after the Three-Strategy Implementation Assistance (time, tools, training)
- This will allow us to determine which changes are truly necessary and/or whether additional changes to TNI are warranted

# Fees

- The community is unhappy
  - Understandable, fees have gone up over 85% in the last 2 years
- They recognize the circumstances
  - Fees charged by Department of Public Health were artificially low and didn't cover a whole program
  - Fees were not adjusted in more than 10 years
- Third-party and cost of TNI compliance will exacerbate this concern
- We are sensitive to resolving this issue
  - We've begun working with the Fee Branch and Stakeholders
  - You'll see this at a Board Meeting in Spring 2018



# Thank You

- For convening the Expert Panel
- For your support
- We look forward to your feedback



# Questions?



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